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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,615	10/24/2003	William G. Hansen	D-2526/WOD	8793

7590 01/28/2005  
William O'Driscoll - 12-1  
Trane  
3600 Pammel Creek Road  
La Crosse, WI 54601

EXAMINER

DOERRLER, WILLIAM CHARLES

ART UNIT	PAPER NUMBER
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3744

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/692,615	<b>Applicant(s)</b> HANSEN, WILLIAM G.	
	<b>Examiner</b> William C Doerfler	<b>Art Unit</b> 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-15 and 17-23 is/are rejected.
- 7) ☒ Claim(s) 8 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10-24-2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims state that alternate areas are substantially round openings. Claims 5 and 13 depend from claims 1 and 11, respectively, which claim the opening. Claims 5 and 13 do not state that the openings are covered when the alternate openings are open, as described in the specification. There is no support for having both the openings and the alternate openings open at the same time, and it is unclear that the device will function in such an arrangement.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,3,6,10,11,18 are rejected under 35 U.S.C. 102(b) as being anticipated by McGill et al.

McGill et al shows an air handler with interchangeable panels 76 and 82 with offset openings. The closed area (above the openings in the figures on the front of the patent) is seen as an alternate opening area, since applicant has not claimed any structure for the alternate opening area and the specification states that the panel material may be removed in the alternate opening area to provide an alternate opening. Inverting the panels will vary the relative positions of the openings.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by either of Hopkinson et al or Ditzler.

Hopkinson and Ditzler each show air handling equipment with a cover 70 and 32, respectively, which is designed to be removed and inverted to change the position of the air opening.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4,5,7,12,13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGill et al in view of Hansen.

McGill et al disclose applicant's basic inventive concept, an air handler with interchangeable, invertible panels for the openings, substantially as claimed with the exception of using rectangular openings and insulating the panels. Hansen shows these features to be old in the art, see column 2 lines 53-61 for the insulation. It would

have been obvious to one of ordinary skill in the art at the time of applicant's invention from the teaching of Hansen to modify the air handler of McGill et al by using rectangular openings to permit connection to rectangular ducts and to insulate the panels to prevent the transfer of heat and sound.

Claims 9,14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGill et al in view of Mourabet et al.

McGill et al disclose applicant's basic inventive concept, an air handler with interchangeable, invertible panels for the openings, substantially as claimed with the exception of using openings that are offset relative to a vertical centerline. Mourabet et al shows this feature to be old in the art, see openings 26 in panel 22. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention from the teaching of Mourabet to modify the air handler of McGill et al by using horizontally offset openings to permit the installation to various horizontal positions.

Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over either of Hopkinson et al or Ditzler in view of McGill et al.

Hopkinson and Ditzler each disclose applicant's basic inventive concept, an air handler with an invertible panel to change the position of the air opening, substantially as claimed with the exception of using multiple covers which are interchangeable. McGill et al show this feature to be old in the air handler art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention from the teaching of McGill to modify the air handler of either Hopkinson et al or Ditzler by using a plurality of interchangeable panels to provide a system which can change the position of both the

return air and the supply air openings to permit one unit to be used in multiple configurations and situations to reduce the number of systems which must be stored prior to installation.

***Allowable Subject Matter***

Claims 8 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to claims 1-7,9-15 and 17-23 have been considered but are moot in view of the new ground(s) of rejection.

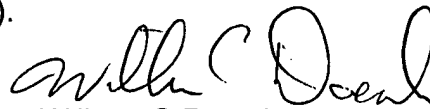
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smith et al and Brandt et al show convertible air handling systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C Doerrler whose telephone number is (571) 272-4807. The examiner can normally be reached on Monday-Friday 6:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel can be reached on (571) 272-4808. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William C Doerrler  
Primary Examiner  
Art Unit 3744

WCD